



Docket No. 60,298-038

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Loprete Examiner: Torrente, D.
Serial No.: 09/090,358 Group Art Unit: 3746
Filed: June 4, 1998
For: SCROLL COMPRESSOR WITH MOTOR CONTROL FOR
CAPACITY MODULATION
Docket No.: 60,298-038

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Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY BRIEF

Dear Sir:

The Examiner's answer mailed 31 July 2000 raises several new arguments. These arguments are addressed below.

ARGUMENTS RELATING TO COMBINATION

The Examiner continuously argues that the terms "reverse" and "forward" are arbitrary, and thus one need not pay much attention to the implication when considering the propriety of the rejection.

Answer

This is the whole point of why the combination is wrong, and shows the Examiner's glaring hindsight. The *Sisk* compressor is a device wherein the choice of which direction is "forward" and which direction is "reverse" is arbitrary. However, this is not true in the scroll compressor. The scroll compressor driven in a reverse direction is not operating properly, and will not operate for long. This is why the combination is improper.

**ARGUMENTS RELATING TO SPEED CHANGE**

The Examiner argues (i.e. second full paragraph of page 5 of the brief) that drive in one of the two directions of *Sisk* will not effect the speed. The Examiner cites language at column 3, lines 33-40 of *Sisk*.

Answer

While the language, in a vacuum, could be taken as implying the speed of the motor will be approximately the speed of the output shaft, this would ignore general engineering knowledge, and reality. *Sisk* passes this drive through a planetary transmission. While the *Sisk* patent mentions that the components all “rotate” as one, they would not. The rotation through the planetary transmission would involve relative rotation in the sense of speed, due to the gear teeth ratios. The components may not “rotate relative” to each other in the sense that one could be prevented from rotating while the others would rotate. However, gear teeth ratios would effect the speed, and there would be different speeds at the input and output of the planetary transmission. If *Sisk*’s statement cited by the Examiner is intended to imply anything else, there is simply insufficient disclosure. The Examiner’s interpretation is inconsistent with how a planetary transmission works.

ARGUMENTS WITH REGARD TO DRIVE “PASSING THROUGH”

Finally, with regard to claims 16-20, the Examiner is unable to explain why the claims can be properly rejected.

Answer

The claims require a feature with regard to drive not passing through the transmission in one of the two directions. It is clear what is meant from the description, the claims and applicant’s disclosure. It is also clear that *Sisk* cannot meet this limitation. It appears the

Examiner is attempting to play word games, but these word games do not overcome the deficiency in the reference.





CLOSING

For the reasons set forth above, all rejections must be reversed. An indication of such is solicited.

Respectfully submitted,

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Dated: September 25, 2000

CERTIFICATE OF MAILING

I hereby certify that the attached **REPLY BRIEF (in triplicate)** is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on September 25th, 2000.

Laura Combs

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